

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	No. 04-cv-10767-RWZ
)	
67 RUSH STREET, SOMERVILLE,)	
MASSACHUSETTS,)	
Defendant.)	
_____)	

ANSWER

Claimant John Cardillo, in his capacity as trustee of Giovanni Realty Trust, submits the following Answer to the *Verified Complaint for Forfeiture In Rem* ("Complaint") in the above-captioned matter:

1. The allegations contained in Paragraph One of the Complaint do not require an answer as they call for legal conclusions.

2. The Claimant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph Two.

3. The Claimant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph Three.

4. The allegations contained in Paragraph Four are denied.

5. The allegations contained in Paragraph Five are denied.

FIRST AFFIRMATIVE DEFENSE

Claimant was an innocent owner of the Defendant Property.

SECOND AFFIRMATIVE DEFENSE

Forfeiture of the Defendant Property would violate the excessive fines clause of the Eighth Amendment of the United States Constitution.

THIRD AFFIRMATIVE DEFENSE

The forfeiture proceeding against the Defendant Property violates the due process clause of the Fifth Amendment of the United States Constitution.

WHEREFORE, the Claimant requests:

1. That the Court dismiss the Complaint;
2. Award costs and attorney's fees to the Claimant;
3. Provide such relief as the Court deems proper and just.

THE CLAIMANT DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.

JOHN CARDILLO,
Trustee of Giovanni
Realty Trust,
By its attorneys,

/s/ Matthew D. Thompson
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